LEGAL AFFAIRS AND SAFETY COMMITTEE

Members present:
Mr PS Russo MP (Chair)
Ms SL Bolton MP (via teleconference)
Ms JM Bush MP
Mrs LJ Gerber MP
Mr JE Hunt MP (via teleconference)
Mr AC Powell MP

Staff present:
Ms L Pretty (Committee Secretary)
Ms M Telford (Assistant Committee Secretary)

PUBLIC BRIEFING—INQUIRY INTO THE CRIMINAL CODE (CONSENT AND MISTAKE OF FACT) AND OTHER LEGISLATION AMENDMENT BILL 2020

TRANSCRIPT OF PROCEEDINGS

WEDNESDAY, 16 DECEMBER 2020

Brisbane

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The committee met at 9.50 am.

CHAIR: Good morning. I declare open the public briefing for the committee's inquiry into the Criminal Code (Consent and Mistake of Fact) and Other Legislation Amendment Bill 2020. I would like to acknowledge the traditional owners of the land on which we meet today. My name is Peter Russo, the member for Toohey and chair of the committee. The other committee members here with me today are: Mrs Laura Gerber, the member for Currumbin and deputy chair; Ms Jonty Bush, the member for Cooper; and Mr Andrew Powell, the member for Glass House. Mr Jason Hunt, the member for Caloundra, and Ms Sandy Bolton, the member for Noosa, are joining us via teleconference. I understand Ms Bolton will be leaving us at 10 o'clock.

On 26 November 2020 the Hon. Shannon Fentiman MP, Attorney-General and Minister for Justice, Minister for Women and Minister for the Prevention of Domestic and Family Violence, introduced the Criminal Code (Consent and Mistake of Fact) and Other Legislation Amendment Bill 2020 to the parliament and referred it to the Affairs and Safety Committee for consideration. The purpose of today's briefing is to assist the committee with its examination of the bill.

Only the committee and invited witnesses may participate in the proceedings. Witnesses are not required to give evidence under oath, but I remind witnesses that intentionally misleading the committee is a serious offence. These proceedings are similar to parliament and are subject to the Legislative Assembly's standing rules and orders in this regard. I remind members of the public that under the standing orders the public may be admitted to, or excluded from, the briefing at the discretion of the committee.

The proceedings are being recorded by Hansard and broadcast live on the parliament's website. Media may be present and will be subject to my direction at all times. The media rules endorsed by the committee are available from committee staff if required. All those present today should note it is possible you may be filmed or photographed during the proceedings by media, and images may also appear on the parliament's website or social media pages. I ask everyone present to turn mobile phones off or to silent mode.

I remind committee members that officials are here to provide factual or technical information. Any question seeking an opinion about policy should be directed to the minister or left to debate on the floor of the House. I also ask that responses to questions taken on notice be provided to the committee by 3 pm on Thursday, 7 January 2021. The program for today has been published on the committee's webpage and there are hard copies available from committee staff.

BARNETT, Mr Ross, Queensland Racing Integrity Commissioner, Queensland Racing Integrity Commission

BRADLEY, Ms Imelda, Director, Strategic Policy and Legal Services, Department of Justice and Attorney-General

JAMES, Inspector Simon, Manager, Drug and Alcohol Coordination Unit, Organisational Capability Command, Queensland Police Service

KAY, Ms Sarah, Director, Strategic Policy and Legal Services, Department of Justice and Attorney-General

McKARZEL, Mr David, Executive Director, Office of Regulatory Policy, Department of Justice and Attorney-General

ROBERTSON, Mrs Leanne, Assistant Director-General, Strategic Policy and Legal Services, Department of Justice and Attorney-General

THOMSON, Ms Victoria, Deputy Director-General, Liquor, Gaming and Fair Trading, Department of Justice and Attorney-General

CHAIR: We will begin with opening statements.

Mrs Robertson: Thank you for the opportunity to brief the committee today about the Criminal Code (Consent and Mistake of Fact) and Other Legislation Amendment Bill. The department has already provided some briefing material to the committee on the amendments in the bill. The bill, amongst other things, amends the Criminal Code to implement the recommendations made by the Queensland Law Reform Commission in its review of consent laws and the excuse of mistake of fact. The bill also amends the Liquor Act 1992, Gaming Machine Act 1991 and the Police Powers and Responsibilities Act 2000 to implement the next stage of the government's legislative response to the independent evaluation of the Tackling Alcohol-Fuelled Violence Policy. It also makes amendments to the Legal Profession Act 2007 to facilitate additional payments being made to claimants under the legal practitioners guarantee fund.

The Criminal Code amendments implement the five recommendations made by the Queensland Law Reform Commission in its review of consent laws and excuse of mistake of fact dated 30 June 2020. The commission recommended that four legal principles that can be distilled from the current case law in Queensland should be explicitly spelled out in the Criminal Code. Those principles are: silence alone does not amount to consent; consent initially given can be withdrawn; regard may be had to anything the defendant said or did to ascertain consent when considering whether the accused was mistaken about whether the complainant consented; and the voluntary intoxication of the defendant is irrelevant to the reasonableness of their belief about consent.

The bill also implements the commission's recommendation to fix an inconsistency in the Criminal Code by clarifying that the definition of consent in section 348 applies to all offences in chapter 32, including the offence of sexual assault contained in section 352(1)(a). A transitional provision in the bill provides that amendments to the code are to apply prospectively to offences in chapter 32 that are charged after the date of commencement but will be able to be applied to offences that are committed before commencement.

Turning now to the amendments supporting the legislative response to the independent evaluation of the Tackling Alcohol-Fuelled Violence Policy, the bill amends the Liquor Act 1992, the Gaming Machine Act 1991 and the Police Powers and Responsibilities Act 2000 to enhance the rigour of the ID scanning and banning regime in safe night precincts by ensuring operators remove bans when licences are transferred; licensees do not inappropriately ban investigators; staff are made more accountable for patron scanning; increase the minimum duration of police banning notices from 10 days to one month; require the review of safe night precincts to occur on a three-yearly basis; and provide greater transparency and accountability around liquor and gaming machine licensing decisions.

The bill also includes amendments to the Interactive Gambling Player Protection Act 1998, the Racing Integrity Act 2016 and the Wagering Act 1998 to support the codification of the national consumer protection framework for online wagering restrictions and wagering inducements to open an account. The bill also amends various liquor, gaming and fair trading legislation to implement stakeholder driven initiatives and a technical amendment.

Finally, the bill contains amendments to the Legal Profession Act in relation to the legal practitioners guarantee fund. That fund is administered by the Queensland Law Society and provides a source of compensation for persons who have lost trust money or property due to a dishonest default by a solicitor law practice. Under section 396 of that act, the society may limit the amount payable on claims from the fund to $200,000 for a single claim and $2 million for all claims made in relation to a single law practice. These statutory caps were introduced to protect the fund against the possibility of extraordinary claims which, if paid in full, would result in the fund being exhausted to the detriment of subsequent claims. Between 2009 and 2016, some claimants did not have their claims paid in full as a result of the application of the statutory caps. The amendments allow the full payment of any claim not paid in full since the commencement of that act due to the operation of the statutory caps and also provide clear guidance to the society as to when the statutory caps should be applied in the future.

I thank the committee again for the opportunity to provide information on the bill, which covers obviously a wide variety of legislation across the justice and police portfolios. As I said, our understanding is that Imelda, Sarah and I will take questions first in relation to the Criminal Code and Legal Profession Act amendments and then our other colleagues will follow.

CHAIR: Thank you.

Mrs GERBER: The advocacy groups have expressed some concern that the amendments do not go far enough and that they do not effectively close the loophole in relation to an accused rapist or person committing those offences. Has the department consulted with any of the groups since the introduction?

Ms Kay: The amendments in the bill before us actually implement the recommendations of the Queensland Law Reform Commission report. In the report itself, you will note that the Law Reform Commission did extensively consult with survivor groups and advocacy groups. The appendices to the QLRC report actually list all of the attendees at various forums and submissions that they received. The most helpful I can be to the member is probably to refer you to the Attorney-General's introductory speech, where she made it clear that the implementation of these recommendations in the bill is not the end of the government's commitment to those concerns. She actually referred specifically to the concerns raised by stakeholders in her introductory speech. She did say that we would be consulting with stakeholders further in a wider review of women's experiences in the criminal justice system.

Mrs GERBER: Just to clarify, there has been no consultation since the introduction? Is that the answer?

Ms Kay: Not from the department, no.

Ms BUSH: I am quite interested in the rights and interests of people with a disability. I was interested particularly in section 348—the definition of consent is 'consent freely and voluntarily given by a person with the cognitive capacity to give the consent'—and how that section impacts on people who have a cognitive disability who may want to participate in consensual sex and just how that intersects.

Ms Kay: There are other provisions in the Criminal Code—in section 216—that deal with that. I can take you to the beginning of the QLRC report. They did note that they received submissions on that issue but that it was outside their terms of reference, so that was not dealt with directly by the commission. As this just implements the commission's recommendations, there are no amendments with respect to that in the bill.

CHAIR: In her introductory speech the Attorney-General commented on the disappointment expressed by some stakeholders that the bill does not go as far as they wished in regard to legislative amendments in the area of consent and mistake of fact. Could someone perhaps advise the committee what the bill does or does not do in this regard?

Ms Kay: Do you mean what the bill actually does with respect to consent and mistake of fact?

CHAIR: Yes.

Ms Kay: It implements four principles of law that are settled in case law in Queensland. What the QLRC found is that there are benefits in making those express in the Criminal Code. It will make the language of the code more accessible, and it will hopefully result in more consistent and correct directions given to juries. The four principles are: that silence alone does not amount to consent; that consent initially given can be withdrawn; that a defendant is not required to take any particular steps to ascertain consent but that a jury can consider anything the defendant said or did when considering whether they were mistaken about consent; and that the voluntary intoxication of the defendant is irrelevant to the reasonableness of their belief about consent, though it can still be relevant to the honesty of that belief.

Ms BUSH: One of my questions was around the transitional element of the bill and how that might impact on historical sexual assaults.

Ms Kay: It should not impact on historical. The four amendments in the bill to the Criminal Code are really just reaffirming principles that are in current case law, so the only thing they might change are directions given to a jury or the nature of directions given to a jury, the language. That is why we have provided that it will only apply from when a person is charged, just because of proceedings that are currently on foot. That is really the purpose of that transitional provision. It is not to disrupt proceedings that have actually started in a procedural sense.

Ms BUSH: I know there are a number of stakeholders and I know the response around implementation of the QLRC report, but they had advocated for that affirmative model of consent. Were elements of that incorporated into this bill?

Ms Kay: I might be able to find you the page references. The QLRC did talk about the fact that affirmative consent can be defined in a lot of different ways. The QLRC found that the elements that already exist in Queensland law provide for a model of affirmative consent. Consent as it is defined in section 348 has a couple of elements. The first one is that the person has to actually consent—their actual state of mind—and then it has to be voluntarily given. That requirement is indicative of an affirmative consent model. The other part of Queensland's law that is currently in case law—but the amendment to the bill at clause 8 will make it clearer in the code—is that silence alone does not amount to consent. Those attributes that already exist in our law in Queensland form part of the affirmative consent model. The amendment at clause 8 should reinforce that.

Ms BUSH: A lot of rape and sexual assaults occur in the context of intimate partner relationships. How was that considered in this bill?

Ms Kay: The QLRC did specifically consider that. In the QLRC report, if you turn to the relevant pages—and in the briefing note we have given the committee we have actually given you references to where in the QLRC report you can find page references and find that information—they did consider that sexual violence often occurs in a domestic violence context. In examining the current law of Queensland, they looked at the definition of consent at section 348. Section 348(1) obviously provides that 'consent means consent freely and voluntarily given by a person with the cognitive capacity to give the consent'. Subsection (2) actually sets out a non-exhaustive list of situations in which consent will not be taken to be given freely. They include whether that is by force, by threat or intimidation, by fear of bodily harm or by exercise of authority. Those provisions are what allows evidence to be presented in sexual assault matters and rape matters about whether that occurred in a domestic violence context. Currently, that can be taken into account. Of course an offence can be noted as a domestic violence offence under the Penalties and Sentences Act.

CHAIR: What benefits does the bill provide to someone who has brought a claim under the Legal Practitioners' Fidelity Guarantee Fund?

Ms Bradley: Basically, the intent of the provision is to deal with a class of historical claims where the caps of the $200,000, and the larger cap in relation to the legal practice of $2 million, were actually applied. Say, for example, a person who, if they had been paid in full for the claim that was accepted by the Law Society, would have received an additional amount of money, the caps were applied. What is happening as a result of the bill is the Law Society will revisit those claims and pay the people what they were entitled to, not being capped.

Mrs Robertson: The secondary aspect is also clarifying guidance to the Law Society moving forward as to when the cap should apply. It has a retrospective aspect and a prospective aspect to it as well.

CHAIR: In the future, claims may be capped?

Ms Bradley: That is right, but the Law Society, in deciding to cap a claim, would need to look at what contributions it might reasonably seek from practitioners, or levies, and be looking at the fund being insufficient to deal with current claims. It would be a very extreme situation where that would occur and, once again, having formed the view that, looking at all the claims they have, the fund is going to be insufficient regardless of what contributions and levies they might reasonably seek. Then it would be very much a managed process having regard to the insufficiency of the fund. The fund is at a very healthy level at the moment. It is over $29 million. There could be extraordinary claims, but it is not something that is currently under contemplation.

CHAIR: And obviously the fund is topped up every year through levies.

Ms Bradley: Through contributions. The contributions have ranged over time. At some stages, it has been over $300 when they were building the fund up. Given the fund is in a healthy state now, I think the annual contribution of practitioners is about $30. Plus obviously a fund of that order earns interest so at the moment it is a growing fund.

CHAIR: Thank you. Is the tackling alcohol fuelled violence amendment for the next group?

Mrs Robertson: That is for the next group. It has been described as a potpourri of amendments.

CHAIR: We will swap over, then. Thank you everyone for your attendance and your contribution.

Mrs Robertson: To clarify, will you require our attendance later on?

CHAIR: No, I do not think so. I invite someone from the panel to make an opening statement, after which committee members will have some questions for you.

Ms Thomson: As Leanne says, this is definitely a potpourri of legislative amendments in the one package. Turning to the TAFV—I believe Leanne Robertson outlined this before, so I will briefly go through it again—the legislative amendments in relation to the Liquor Act support the independent evaluation of the Tackling Alcohol-Fuelled Violence Policy. The bill amends the Liquor Act 1992, the Gaming Machine Act 1991 and the Police Powers and Responsibilities Act 2000 to enhance the rigour of ID scanning and the banning regime in safe night precincts by ensuring that operators remove bans when licences are transferred, that licensees do not inappropriately ban investigators, and that staff are made more accountable for patron scanning.

The amendments also increase the minimum duration of initial police banning notices from 10 days to one month, require the review of safe night precincts to occur on a three-yearly basis and provide greater transparency and accountability around liquor and gaming machine licence decisions.

The bill also includes amendments to the Interactive Gambling (Player Protection) Act 1998, the Racing Integrity Act 2016 and the Wagering Act 1998 to support the codification of National Consumer Protection Framework for Online Wagering restrictions on wagering inducements to open accounts. The bill also amends various liquor, gaming and fair trading legislation to implement stakeholder driven initiatives and contains a technical amendment to the cooperatives law.

Ms BUSH: I am interested in the police banning notice going from 10 days to a month. What consultation occurred around that?

Insp. James: In terms of public consultation?

Ms BUSH: Correct.

Insp. James: I could not tell you that, to be honest. The normal cabinet processes of government would have applied. I might need to take that on notice and come back to you.

Ms Thomson: Can I more broadly outline the consultation process as part of the Tackling Alcohol-Fuelled Violence Policy, which these amendments originated from. The final evaluation report, led by Professor Miller, was publicly released, together with the government's interim response, back in July 2019. The Department of Justice and Attorney-General sent approximately 105 letters to industry and community stakeholders, seeking feedback on the government's interim response to the evaluation report. This included approximately 15 letters sent to the local boards for the safe night precincts—they use the scanning devices within their businesses—and, where no local board existed, to key licensee associations within those areas to seek feedback on the safe night precincts. We also sent approximately 57 letters to licensees located in the Ipswich CBD, inner west Brisbane and Caxton Street safe night precincts regarding the recommendations, particularly about removing those precincts, as was originally mooted in the report. There were also two stakeholder forums, I understand, that were led by the Office of Liquor and Gaming Regulation. On 22 August 2019 in Brisbane approximately 40 participants turned up to that forum and in September 2019 in the Townsville region approximately 45 participants turned up.

Overall, it would be fair to say that there was widespread support for the tackling alcohol fuelled violence evaluation report and its recommendations. I just ask Mr McKarzel if he would like to give any further information that will answer the member's question.

Mr McKarzel: During the consultation period that Victoria just referred to, the issue of police banning was canvassed. To give you a little bit of background, Professor Miller's recommendation was to increase bans to one month with an option to go up to six months. The bill does not implement that change. It implements changes that increase the duration of the initial police ban from 10 days to one month. The interim government response to Professor Miller and some stakeholders also supported in principle the recommendation to increase it up to six months, but in the end the government proposed, and the bill obviously reflects, that it be retained for the existing extended police banning notice to three months. That is in terms of extension. The reason for the diversions from the recommendation was that there was not a lot of evidence or justification, either from stakeholders or when we looked around other jurisdictions, and we thought things through in terms of how it might engage human rights principles. In the end, the bill landed on an initial ban of one month and then an extension to no more than three months.

We also took into account—this was mentioned by some stakeholders, from memory—the existing legal mechanisms that allow for movement restrictions, such as bail conditions and banning orders by the courts, remembering that this provision is about police making the ban. Those other mechanisms, like bail conditions and banning orders, are still there and they provide sufficient and effective power to achieve the policy intent that Professor Miller was after. It was a balancing act in the end. If it is necessary or the circumstances dictate that greater than one month initially or greater than three months as an extension is warranted, it is appropriately then in the hands of the courts. However, the initial police ban, under this bill, will go from 10 days to a month.

CHAIR: There being no more questions about this section of the committee's considerations we will move on to wagering, which falls under the Queensland Racing Integrity Commission. The amendments are to several acts to restrict wagering inducements to open or close accounts and also seek to create consistency with the National Consumer Protection Framework for Online Wagering. Could you tell the committee a little more about what the bill does in this regard and tell us about any feedback you received during consultation, if any?

Mr Barnett: By way of background, the National Consumer Protection Framework, the NCPF, for Online Wagering, has been developed to minimise gambling harm related to online wagering activity. The NCPF consists of 10 agreed consumer protection measures, and its scope is intended to cover all forms of online wagering conducted using any telecommunications service.

Consumer protection measure No. 4 under the framework prohibits all specified inducements. This predominantly means that the offer of any credit, voucher, reward or other benefit as an incentive is prohibited unless it is part of an approved loyalty program. Consumer protection measure No. 4 also limits direct marketing to customers. These amendments propose changes to the act with respect to Queensland's racing bookmakers. Under newly proposed section 134B, it is proposed that a bookmaker is prohibited from inducements to a person in the following forms: credit, voucher, reward or other benefit as an incentive. This includes incentives to open an account, make referrals or not close an account. This covers interactive betting accounts or via the bookmaker's telecommunications system.

Under newly proposed section 134C of the act, a bookmaker or associate must not offer a free bet to the bettor via an interactive betting account with the bookmaker unless the bettor can withdraw payouts arising from the bet at any time. Under newly proposed section 134D of the act, unless the bettor provides explicit consent, the bookmaker or associate must not send promotional or advertising material directly via email, SMS or other direct means, and it must also provide an 'unsubscribe' function that is easily identified. Under proposed section 134E, a bookmaker must take all reasonable steps to identify a bettor's location when a bet is made via an interactive betting account.

As an overview, our view on the proposed legislative changes is that they create a level playing field for bookmakers and online betting companies regulated in Australia by adopting measures from the national consumer protection framework which have been agreed to by all states, it harmonises the betting landscape across Australia, it minimises potential risks associated with gambling addiction and it creates a further measure of accountability and protection for bookmakers in their dealings with those who wish to bet, recognising the significance of betting and wagering in racing which emphasises the need for quality control measures to protect bookmakers and punters alike.

Ms Thomson: Chair, if I may, I would like to provide further information to make clear what Commissioner Barnett has already said. Basically, what the bill proposes to do, as the commissioner has said, is to codify the NCPF agreed bans. It will apply to basically all wagering providers—that is, bookmakers and all other wagering providers who are licensed in other jurisdictions but who take a bet from a person here in Queensland. It is about protecting Queensland consumers and bettors online, as well as through the bookmakers. I think it is important to note that what we are seeking to do is ensure that gambling regulation keeps pace with what is happening in terms of the migration of the betting activity, from where it once was to very much an online environment.

Mr Barnett: Chair, to support those comments, because of the borderless nature of the internet, Queenslanders currently already bet with a multitude of wagering service providers that offer race, sport and novelty bet types. Those wagering service providers are typically licensed in the Northern Territory but are overseas owned. The commission only licenses and regulates those racing bookmakers who field at licensed venues in Queensland or have an approved off-course telecommunications system.

CHAIR: Sometimes your horse comes last and you get a refund of your bet. Would it exclude all of that type of activity too?

Ms Thomson: No, it does not. It is inducements around opening and closing accounts and in relation to marketing materials. It is not contingency bets like you have just described.

Mr McKarzel: And not for existing customers. If you are already a customer and an online bookmaker sends you a text or advertises for existing customers, that is not prohibited. However, there are some fences in the bill that have been put around that in terms of if they offer you an additional bet. You may have heard where you cannot get your money unless you spend it again. Those turnover requirements are being crimped, but it is not a full prohibition on all inducements in respect of online corporate bookmakers. For online corporate bookmakers it is a prohibition on inducing someone to open an account. It is quite specific.

This codifies what is already in place. The agreement was 2018. Every state had the opportunity to condition the particular wagering providers licensed in their state, so we conditioned our provider. The risk we have for all Queensland punters is that, if they bet with an online bookmaker from another state and that other state or territory has only conditioned that licence in respect of punters in that jurisdiction, it is possible that the Queensland punter could end up with an inducement, being induced to open an account. The government has moved, in this bill, to basically put in legislation that says: if you are an online corporate bookmaker and you advertise into Queensland, you are prohibited from inducing any Queenslander to open an account. You will see the detail of how that then would be administered. That means that, regardless of what other providers and other jurisdictions do to implement the national framework, Queensland has covered all Queenslanders who are subject to these kinds of potential inducements to open an account.

Ms BUSH: Thank you; that is well explained. To be explicit, there will be no powers to sanction international wagering providers who are set up in another country but who are targeting Queenslanders?

Mr McKarzel: No, the issues there are extraterritorial. As part of the national framework, the state and territory ministers, along with the Commonwealth, have been working on broader national approaches to that issue. The Commonwealth, through ACMA, the Australian Communications and Media Authority, at the moment tries to chase down these illegal offshore wagering providers and then goes to the internet service provider and directs them to shut them down. They have had some success in that space, but with the internet if you close somebody down here they pop up again. For the first time, through this national process and the national officials working group that Victoria is on, there is a process at least to try to address that offshore issue.

Ms Thomson: Many of those international wagering operators are licensed through the Northern Territory and function in Australia through the licensing arrangement with the Northern Territory.

Mr McKarzel: To the extent that they, therefore, have an entity in Australia we cover them, but for those that do not then we work with the Commonwealth. Our compliance people, if they become aware of the existence of one of these offshore illegal entities, will then talk to ACMA about dealing with them.

Mr POWELL: A couple of times you have referred to the Northern Territory being the bane of all evil and the conduit through which these international groups can set up. Is the officials group at the national level having conversations with the Northern Territory as to how to close that?

Ms Thomson: There is ongoing conversation with the Northern Territory about their licensing eligibility. I do believe there was a case not so long ago, David, where the Northern Territory actually took quite strenuous action against one of the wagering providers.

Mr McKarzel: Yes. In terms of the national framework and the implementation of the framework—and the particular example that Victoria is referring to is actually to do with opening an account—there was an online bookmaker licensed in the Northern Territory who attempted to induce Queenslanders to open an account with them. We engaged with our Northern Territory colleagues. The upshot was that that bookmaker was fined. Since the agreement and the publication of the principles and the first steps towards implementation, there has been a settling down now and a reasonable degree of compliance with this inducement prohibition in terms of opening an account. We have mechanisms in place administratively between the various regulators through the working group apparatus to keep on top of it.

Mr POWELL: So there is no need to excise the Northern Territory from the Commonwealth just yet?

Mr McKarzel: We do every now and then say a few things to them that they get tired of hearing. Nevertheless, to be fair to our Northern Territory colleagues, they have been exceptionally proactive when it comes to implementing the agreed principles that the ministers signed onto.

Ms Thomson: To add further to that and to close it all up, this bill is proposing that, in the absence of another regulator taking action, these amendments provide protection for Queenslander punters.

CHAIR: I have a question that comes down to paraphrasing aspects of how it impacts on the human rights or privacy implications in relation to the publication of gaming decisions. Victoria, are you able to help us out with that?

Ms Thomson: Sure. At the moment, as the Commissioner for Liquor and Gaming I make a lot of decisions about significant liquor and gaming applications. To backtrack, the tackling alcohol fuelled violence evaluation made recommendations that we should have an increased focus on and transparency about significant liquor licences. In fact, they said we should basically be publishing all of our liquor licensing decisions. Given that I receive nearly 14,000 liquor and gaming applications a year, that is probably administratively too burdensome.

We will be looking at publishing—and what the amendments propose—significant decisions around liquor and gaming applications. TAFV recommended liquor. When the previous attorney-general was at estimates last year, she made a commitment around providing more clarity about gaming machine applications. At the moment, if it is a significant gaming machine application—for example, if people want to get new gaming machines or they want to increase their gaming machines by a significant number, 10 in the case of a hotel and 20 in the case of a club—or anything

else that I deem to be significant, there are certain processes for advertising. People can object, but there is no requirement on me as the commissioner to then publish my decisions about that gaming machine application.

The bill proposes that there be requirements on me, and that would include the nature of the application, the location of the premises, the day that I made my decision, whether I have approved or refused the application and a brief summary of the details of the decisions. It will serve the right of privacy by ensuring any sensitive or commercially confidential information is not publicly released. That might include matters that I have to consider, particularly in gaming machine applications, around people's criminal past and their integrity, reputation and character. That will not be published. Their financial position will not be published. The information will be published consistent with the protections that are currently under the legislation.

TAFV said that you should publish liquor applications. We are making it consistent so that it will be for both significant liquor and gaming applications so that we improve transparency in the community. The community obviously has a strong interest in significant liquor and gaming applications. This provides the community with, I guess, closing the loop of what the commissioner has decided about gaming machine applications but in a way that protects the privacy of the applicants.

CHAIR: The committee has no further questions. That concludes this briefing. Thank you to all the officials who have participated today. Thank you to our Hansard reporters. A transcript of the proceedings will be available on the committee's parliamentary webpage in due course. I thank the secretariat staff for their support. I declare closed this public briefing for the committee's inquiry into the Criminal Code (Consent and Mistake of Fact) and Other Legislation Amendment Bill 2020.

The committee adjourned at 10.42 am.